

**IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
TRIAL**

CASE NO.: CR-08-00004

DATE: June 23, 2008

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HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: None Present

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 9:08:02 - 9:34:20  
9:55:01 - 10:21:44  
2:12:13 - 3:27:25  
3:41:54 - 4:52:54

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**APPEARANCES:**

Defendant: Eun Young Lee  
Marcelino Laserna  
John Duenas  
Mary Garcia  
Joseph Pangelinan  
Francisco Kawamoto  
Margaret Untalan

Attorney: Richard Arens  
Mark Smith  
Cynthia Ecube  
Leilani Lujan  
Louie Yanza  
Stephanie Flores  
Rawlen Mantanona

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☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☐ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter: Sung Woo Yoon

Language: Korean

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**PROCEEDINGS: Jury Trial - Day 11**

- Court finds Government in violation of Rule 16 as to Lee, Laserna and Kawamoto. Defense counsel to submit brief re appropriate sanctions.
- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Motion to strike testimony of Young Nam Kim taken under advisement. Parties may file appropriate briefs.
- As to testimony of Ms. Ritter, court ordered that an attorney be appointed to represent her.
- Jury Trial (Day 12) continued to: June 24, 2008 at 9:00 AM

NOTES:

PRESIDING JUDGE  <b>FRANCES M. TYDINGCO-GATEWOOD</b>						PLAINTIFF'S ATTORNEY  <b>KARON JOHNSON</b>	DEFENDANT'S ATTORNEY <b>RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA</b>
HEARING DATE (S) <b>JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 2008</b>						COURT REPORTER  <b>WANDA MILES</b>	COURTROOM DEPUTY  <b>CARMEN B. SANTOS</b>
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						9:08:08 - Begin Day 11 - June 23, 2008	
						9:10:00 - Discussion as to discovery issue.	
						Court finds that Government is in violation of Rule 16 as to Lee, Laserna and Kawamoto. As to remedy, government's use of information will be excluded from direct examination ; Laserna and Kawamoto's request for monetary sanctions, court takes issue under advisement.	
						Discussion as to status of witnesses	
						10:18:49 - Jurors seated	
						10:20:07 - Jurors excused for lunch	
						10:21:44 - Morning recess	
						1:35 - 2:09 - Chamber conference re status of witnesses	
						2:12:13 - Resume afternoon session	
						2:13:27 - Jurors seated	
						2:14:51 - Witness <b>Young Nam Kim</b> , called and sworn	
						2:15:40 - DX by Ms. Johnson	
	50		6/9/08	6/23/08	6/16/08 6/10/08	50-1, 50-2, 502-3, 50-4, 50-5 - MVD file for - Young Nam Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections. (Frank Blaz)	
	11		6/11/08	6/23/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection	
						2:53:38 - CX by Mr. Mantanona	
	50		6/9/08	6/23/08	6/16/08 6/10/08	50-1, 50-2, 502-3 - MVD file for - Young Nam Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections. (Frank Blaz)	
						3:08:03 - CX by Mr. Yanza	
	11		6/11/08	6/23/08	6/11/08	Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection	
						3:12:51 - CX by Mr. Arens	
		Lee-D		6/23/08		Plea Agreement, Criminal Case No. CR- 06-00086, USA vs. Young Nam Kim, identified by Mr. Arens (Young Nam Kim)	
						3:27:25 - 3:41:54 - Afternoon break	
						3:42:07 - Jurors seated	
						3:43:05 - CX by Mr. Smith	
						3:46:04 - CX by Ms. Flores	
		Lee-D		6/23/08		Plea Agreement, Criminal Case No. CR- 06-00086, USA vs. Young Nam Kim, identified by Mr. Arens (Young Nam Kim)	
						4:01:21 - Jurors excused - 10 minute recess	
						Ms. Flores makes oral motion to strike testimony of Ms. Kim. Court takes matter under advisement; counsel may submit briefs on the matter.	
						4:11 - Witness Kim excused	
						4:12:54 - Witness <b>Ji Yeon Choi Ritter</b> , called and sworn	
						4:13:00 - DX by Ms. Johnson	
						4:20:00 - Jurors excused for the day; to resume 6/24/08	
						Court orders that witness be appointed an attorney.	
						4:52:44 - End day 11	